
SUBJECT: Method of executing convicts

COMMITTEE: Criminal Jurisprudence

VOTE: 9 ayes--Nabers, Hendricks, Ceverha, Denton*, Hudson*, Laney, Looney,
McFarland*, Robbins
0 nays--
1 present, not voting--Washington
1 absent--Brown

WITNESSES: FOR: Jim Estelle, Director, Texas Department of Corrections, Huntsville,
representing himself
Kenneth Wayne Roberts, Austin, representing himself

DIGEST: The present statute prescribes electrocution as the means for carrying out death sentences and designates the director of the Texas Department of Corrections as the executioner.

This bill provides for death sentences to be carried out by injection of a lethal substance of sufficient quantity to cause death and allows the TDC director to designate an executioner.

PRO: The present method of executing persons sentenced to death is not only cruel and inhuman, but, due to recent public interest and press coverage, has taken on a "circus-like" atmosphere.

This bill would authorize a much more humane method of executing death sentences, and may decrease the circus-like atmosphere surrounding executions.

CON: 1) Whatever the method, the death penalty is wrong. This bill merely tries to salve the public conscience by changing the method.

2) Alternatively, to be effective as a deterrent, the death penalty should be--to some degree--scary enough to make potential murderers think twice. At least one former Texas governor has spoken in favor of televised public executions.

3) There's nothing in the bill to guarantee that the chemical agents used to cause death won't be more violent and painful than electrocution, if the TDC director should choose.

4) Why not give the convicts a choice?

COMMENTARY: This proposed method of execution is not used in any other state at this time. However, the Oklahoma Legislature is considering a bill similar to this.